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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/788,998

02/27/2004

Pantas Sutardja

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EXAMINER

CORRIELUS, JEAN B

ART UNIT

PAPER NUMBER

2611

MAIL DATE

DELIVERY MODE

05/16/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/788,998

Applicant(s)

SUTARDJA, PANTAS

Examiner

Jean B. Corrielus

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-140 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-23 and 47-139 is/are allowed.
- 6) ☒ Claim(s) 24-46 and 140 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 2/27/04.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application
- ☐ Other: _____.

DETAILED ACTION

Specification

1. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Objections

2. Claims 3-5, 7, 8, 9, 11, 12, 13, 15, 16, 17, 26, 27, 28, 30, 31, 32, 34-36, 38, 39-40, 42, 55-57, 59-61, 63-66, 68-70, 73, 74, 79, 85, 87-89, 91-93, 96-98, 100-103, 113, 114-116, 118-120, 122-125, 127-129 are objected to because of the following informalities: Please define parameter "k" as recited in the equation of claim 3. Please note that such objection can be overcome by incorporate the limitation of claim 5 into claim 3 and canceling claim 5 since such limitation would be redundant after the amendment. The same comment applies to any claim reciting similar parameters, including not limited to claims 4, 7, 8, 9, 11, 12, 13, 15, 16, 17, 26, 27, 28, 30, 31, 32, 34-36, 38, 39-40, 55-57, 59-61, 63-66, 68-70, 87-89, 91-93, 96-98, 100-103, 114-116, 118-120, 123-125, 127-129.

Claim 42, line 1, "further" should be inserted before "comprising". The same comment applies to not limited to claims 43-44, 58, 62, 67, 71, 72, 95, 109, 110, 113, and 122.

Claim 79, line 1, "at least one of" should be deleted, since the body of the claim requires that both gain and timing phase are controlled. In addition, line 1 does not

Art Unit: 2611

specify "gain and timing phase " of what is being controlled. The same comment applies to claim 140.

Claim 85, the dependency should be changed from "79" to "84" to provide antecedent basis for "the two filter coefficients" recited in the claim.

Claim 91, line 4, "method" should be replaced by "the method further". The same comment applies to any claim reciting similar parameters, including not limited to claims 96, 100.

Claim 134, line 5, "can be" should be replaced by "is".

Claim 113, line 10, "filter" should be replaced by "means for filtering" the same comment applies to claim 122, last line and to any other claim reciting similar limitations.

Appropriate correction is required.

Claims 73 and 74 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim.

Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 73 recites

"**the timing controller comprises the error generator**" this is not further limiting since claim 72 clearly recites "**the error generator is in communication between** an output of the **second filter** and inputs of the **timing phase controller** and the gain controller".

Claim 74 recites "**the gain controller comprises the error generator**" this is not further limiting since claim 72 clearly recites "**the error generator is in communication between** an output of the **second filter** and inputs of the timing phase controller and

the gain controller". No dependent claim should remove any limitations from a base claim.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 24-46 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 24-46, respectively, the word "means" is preceded by the word(s) "VGA, ADC, filter, and so forth, in an attempt to use a "means" clause to recite a claim element as a means for performing a specified function. However, since no function is specified by the word(s) preceding "means," it is impossible to determine the equivalents of the element, as required by 35 U.S.C. 112, sixth paragraph. See *Ex parte Klumb*, 159 USPQ 694 (Bd. App. 1967).

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claim 140 is rejected under 35 U.S.C. 101 because

The claimed invention is directed to non-statutory subject matter. Claim 140 is directed toward a "computer program". Computer program however does not have a set definition and therefore does not belong to any of the statutory groups of inventions.

Accordingly, the claim fails to satisfy the 101 requirements and therefore is unpatentable.

Allowable Subject Matter

7. Claims 1-23 and 47-139 are allowed. However, the claims must be amended if objected above in order to overcome such objection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean B. Corrielus whose telephone number is 571-272-3020.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on 571-272-2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Jean B Corrielus

In many Examiner

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5/14/07